

1. Call to Order

Mayor Pro Tem Dave Napier called the meeting to order at 6:30 p.m.

2. Roll Call

Present: Mayor Pro Tem Dave Napier and Councilmembers Ed Iago, John Bellows, Dick Vitelli, Bob Pace and Anthony Fernandez. Mayor Jenny Halverson had an excused absence.

Others: City Manager Ryan Schroeder, Attorney Korine Land, Public Works and Park Director Ross Beckwith, Assistant Manager Sherrie Le, Finance Director Char Stark, Police Chief Manila Shaver, Community Development Director Jim Hartshorn and City Clerk Chantal Doriott.

3. Pledge of Allegiance

4. Adopt the Agenda

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to adopt the agenda changing 11.D. to 11.C. and vice-versa and correcting the date on the agenda posted on the website to July 10, 2017 instead of 2107. All members present voted aye. Motion carried.

5. OCWS Briefing

Gave an overview of the work session held prior to this meeting:

- The Environmental Committee brought forth a resolution to consider regarding climate change. The Council asked them to bring back a version that better suits our community efforts.
- Robert Street cost overruns and funding options – thanks to staff that put the document together that tells the story.
- Trash hauling and looking at revisiting the topic of doing an organized hauler plan

6. Citizen Comments

No one present wished to speak at this meeting.

7. Council Comments

Clpn. Iago mentioned a couple of news articles that referenced our housing for those with disabilities. The articles in the Pioneer Press and Star Tribune were poorly written very slanted. We welcome organizations that deal with residents with disabilities. The reporters did not do a good job.

Clpn. Fernandez reminded all about Night to Unite on August 1. July 24 is the last day to register for your block party. During July 26 through August 1 you pick up your goodie bag. We will see you all the evening of August 1.

Clpn. Bellows added that Council received a letter dated July 1 from Dakota County. The County is asking us to consider the letter for the record on a group home issue being discussed later in this meeting. He has an issue with the letter since we asked them to be available at this meeting to directly answer questions and concerns. He asked Andrea Zuber to come and address the council; the letter was submitted instead.

Mayor Pro Tem Napier reminded all of the Saturday Movie in the Park "Inside Out" at Thompson Park. Also, a special welcome Char Stark our new fiancé director.

8. Proclamations, Presentations and Recognitions

There were no proclamations, presentations or special recognitions at this meeting.

9. Consent Agenda

Motion was made by Clpn. Vitelli and seconded by Clpn. Pace to approve the following consent agenda items as presented:

- A. Previous OCWS and regular meeting Minutes of June 12 and June 26
- B. List of Claims
- C. Rental Licensing
- D. Provisional Rental Licenses
 - Resolution No. 17-49 Mitigation plan for 129 Bernard Street E
 - Resolution No. 17-50 Mitigation plan for 203 Moreland Avenue E
 - Resolution No. 17-51 Mitigation plan for 248 Annapolis Street E
 - Resolution No. 17-52 Mitigation plan for 1064 Robert Street South

All members present voted aye. Motion carried.

10. Public Hearing

A. Final Reading - Ordinance 50.08 Amendment for Discharge of Prohibited Clear Water Drainage

Public Works and Parks Director Ross Beckwith gave an overview. The City Council heard and approved the first reading of an ordinance amending Section 50.08 of the city code regarding discharge of prohibited clear water drainage at the June 12, 2017 meeting. The Council ordered a public hearing for July 10, 2017 which was publicly noticed.

The City of West St. Paul is currently engaged in a program intended to ensure that clear water does not end up in the sanitary sewer system. At the June 13, 2016 City Council meeting ordinance 50.08 was amended and has since been implemented. Since inception, a few minor issues have been noted and this new ordinance amendment is intended to clean up a few of these issues.

The main change will be to add language which requires anyone with an active sump pump draining directly into the sanitary sewer to correct the violation within 30 days of notice. We are finding such instances in our street reconstruction areas where inspections are required, but corrections are not done until point of sale. At one property for example it is estimated that over 10,000 gallons per year are being discharged directly into the sanitary sewer. The current ordinance does not have language to require the immediate correction of this. The amended ordinance cleans up verbiage which is no longer relevant or needs to be clarified.

The public hearing opened at 6:49 p.m. No one wished to speak. The public hearing closed at 6:49 p.m.

There were no other comments.

Motion was made by Clpn. Vitelli and seconded by Clpn. Bellows to approve the final reading and adopt Ordinance No. 17-08 amending section 50.08 of the City Code regarding discharge of prohibited clear water drainage and sump pumps as presented. All members present voted aye. Motion carried.

B. Final Reading - Zoning Ordinance Amendment, Section 153.029 regarding Interim Use Permits – City of West St. Paul

Attorney Korine Land gave an overview. This ordinance provides clear definition for seasonal sales and a farmers market. Staff reviewed past IUP applications and discovered a discrepancy with how previous applications were categorized based on the existing language. The B4 District currently allows the following types of Interim Use Permits:

- 1) Farmers market for the sale of agricultural and horticultural products (allowed in B1-B6);
- 2) Outdoor sale of fireworks, provided that it meets the conditions outlined in § 153.172 and National Fire Protection Association standards, as required by the Fire Marshal (only allowed in the B4);
- 3) Indoor sale of fireworks not in conjunction with an existing use, provided that it meets National Fire Protection Association standards, as required by the Fire Marshal (only allowed in the B4);

- 4) Food stands, provided that they meet the conditions outlined in § 153.172. This section does not apply to food stands that are part of city sponsored events or events lasting three days or less (only allowed in the B4); and
- 5) Outdoor display of seasonal merchandise, provided that it meets the conditions as outlined in § 153.172 and that items displayed are sold within the store located on the property (only allowed in the B4).

With past applications, staff categorized the sale of plants under Farmers Market, specifically for the “sale of horticultural products”. However, the intent of the Farmers Market category was specifically for farmers markets, i.e. the Farmers Market at Signal Hills, not for the seasonal sale of plants similar to what was proposed at Cub Foods. The sale of plants should be categorized under the last category listed above which is outdoor display of seasonal merchandise. If properly categorized, the previous request would not have been allowed as the language requires that all items displayed and sold are from the store located on the property (i.e. no third party).

As a result, staff is recommending the attached ordinance amendment to further clarify the intent of the two categories which includes the following changes:

- 1) Add the definition of Farmers Market (to help distinguish the difference between the two categories);
- 2) Add language that Farmers Markets must sell locally grown products; and
- 3) Revise the language for outdoor display of seasonal merchandise by stating that “the applicant sells the items displayed within its own store located on the property”.

The public hearing opened at 6:50 p.m. No one wished to speak. The public hearing closed at 6:50 p.m.

There were no other comments.

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve the final reading and adopt Ordinance No. 17-09 an ordinance amending sections 153.004, 153.050, 153.142, 153.189 of the City Code regarding Farmers Markets and Outdoor Seasonal Sales as presented. All members present voted aye. Motion carried.

C. Final Reading - Zoning Ordinance Amendment, Multiple Sections regarding Residential Housing with Services Establishments - City of West St. Paul

Community Development Director Jim Hartshorn asked Council to consider continuing this item until a future meeting.

Motion was made by Clpn. Bellows and seconded by Clpn. Vitelli to continue the final reading of a zoning ordinance amendment as outlined above and hold the public hearing on August 14, 2017 at 6:30 p.m. All members present voted aye. Motion carried.

11. New Business

A. Rental License Hearing - 213 Annapolis Street West

Community Development Director Jim Hartshorn gave an overview. New Challenges Inc. has owned and rented out the 17 unit apartment building since acquiring his rental license in 2007. Over the past rental licensing term January 2016 – January 2017, staff has experienced issues with the high frequency of police calls being made to the property.

The total number of qualified city service calls (both police and code) over the 12 month period totals to 38; 37 of the calls were police calls. This number equates to more than 2 police calls per unit (exactly 2.18 calls per unit). This number greatly exceeds the acceptable number of .5 calls per unit, roughly 4 times higher than the acceptable number. A summary of the calls was given via a spreadsheet and is available on the city website as part of the agenda packet. A mitigation plan for a provisional rental licenses was also part of the agenda packet.

Comments:

- Present were Michelle Klegon an attorney for New Challenges, Inc., Leeann Metzmaker the owner of New Challenges and John the father of a former client.
- Attorney Klegon said most of these calls were from one person and that person has since moved out. They received a spreadsheet last week, from November 2015 to November 2016, with the calls listed. The report shows 33 calls and of those, 3 are from 2015, and of the 33 calls 29 are related to one particular unit. It's a program that is licensed by human services and the 29 calls came from one individual. That person is no longer there and left in July 2016. Since then there were 9 calls. There has been a significant decrease since the departure of this individual. Other landlords in West St. Paul have received a provisional license and they (New Challenges) feel they are distinguishable from others who have received a provisional license. They have been working with the police and have worked hard for over a year to reduce calls to 911. They don't feel the need for a provisional license.
- Leeann Metzmaker, owner and administrator, started the company in 1999 to provide housing and services to those with disabilities. Her brother's passing away is how she started this new business. She has always worked closely with the County and community. She doesn't believe the neighbors have been complaining and has worked closely with the police department. As stated by the attorney we had one resident that made a majority of those calls. We worked with the County and police to come up with a system to curtail the calls. She felt they were working together on this issue. Emily from the County called, and she didn't realize until March, that there was such a big issue. Various meetings with the police dept. helped to work on remedies to fix the situation. She wants to run a safe housing and she worked with the police and city personnel. She is actively attending ROMA meetings and County programs. Regarding property maintenance there was one issue of snow a long time ago. There was also a serenity garden issue that was taken care of immediately. She thinks that saying we don't take care is unfair. As soon as she knew about the 911 calls she said she worked with the family/person responsible to reduce these significantly. She feels she has worked very hard to address the issues and doesn't deserve a provisionary license.

- John, the father of the person who made all the calls, made some comments. Somewhere along the line his daughter was led to believe she should call the police dept. for any reason. After a period of time, in May of 2016, he became her legal guardian. At this point his child is in a different location and she is much more stable in her new surroundings. Unfortunately, she can't live on her own. The statistics shown by staff are important but it doesn't represent the current procedures.
- Clpn. Bellows clarified to John, you paid 3 fines of \$160 each; yes, that is correct.
- Ms. Metzmaker said there were 8 or 9 incidents this year. She said there are 9 possible strikes for 1 year. The calls included someone with possible drug use; a person in the parking lot; and mental health - these were dealt with.
- Clpn. Pace asked Police Chief Manila – what's happening. Chief Manila said he appreciates the efforts. However, they are being paid to run a business and assist people and when they aren't doing their job it comes back to the police department and an officer needs to respond to all calls. This is a daily living struggle. In addition it should not take the County to get this issue resolved. This person's daughter was inappropriately placed and finally a change was made. So when we talk about the calls – their license expires in January and by city ordinance the calls are reviewed 14 months, 2 month prior to the license expiring. When their license was due they registered late and there were a couple more inspections. All in all he applauds their corrections and work. This mitigation plan requires them to do what they should be doing in the first place.
- John said until he was made guardian of his daughter he couldn't do anything but try to guide his daughter. He gave his number to an officer and went to the County call center and told them if his daughter called to send the call to the crisis center. Less than 60 days after he became guardian the calls ceased. He asked council to reconsider the mitigation plan.
- Police Chief Manila reminded all we are talking about running a business. Attorney Klegon said all the calls were not responded to onsite. There was some arrangement when the calls were made they were to be rerouted to the County crisis center and that didn't happen. She asked Council to consider the staff and Ms. Metzmaker were trying hard to resolve the situation. There were several interventions but the conflict was real.
- The biggest item for Clpn. Fernandez were due dates that weren't taken care of for license renewal. Ms. Metzmaker said license renewal processes, timing thereof, changed at the end of 2016. She didn't realize this. Ms. Metzmaker has 3 different renewals for 3 different properties. In mid-February Ms. Metzmaker received an email and when she received an email she submitted her renewal paperwork immediately. Ms. Metzmaker said she admits being late. She is still not in favor of a provisional license. If she has to have this provisional license she hopes it would end at the end of this year.
- Clpn. Iago said to John - thanks for taking care of your daughter. Everything that is on the plan - you should be doing. He thinks there should be more communication. He believes it may be a management issue.
- Clpn. Vitelli sympathizes but this is a business and we license rental properties. Staff is recommending a provisional license. He supports that because this is a business.
- Clpn. Bellows had a couple of questions. What happened in the past with one particular tenant and what has happened since then and how does that affect us moving forward. What part of the responsibility falls on the landlord. Ms. Metzmaker said there are other people who come in to assist the people. Services they provide include 24 hour

emergency, help with cooking, budgeting, mental health, working through various situations so they can live more independently. Mental health? Yes. How do you make the determination of taking a person? They have an application process said Ms. Metzmaker. Sometimes the County refers someone and then Ms. Metzmaker reviews their case.

- Ms. Metzmaker again said she is trying to work with the city and County and various situations.
- Clpn. Bellows is interested in what happened in the last year. He understands there may be extra special issues at homes like this. Police Chief Manila spoke of the number of acceptable calls.
- City Attorney Land said the Council can review any license for any reason.
- Clpn. Vitelli said he is a landlord and he was also confused with his renewal applications. Are most of your tenants self-paid or funded by the County? Ms. Metzmaker said most receive some sort of public assistance.

Motion was made by Clpn. Vitelli and seconded by Clpn. Fernandez to adopt Resolution No. 17-53 converting the rental license of 213 Annapolis Street West to a provisional license and adopting a mitigation plan as presented. Motion was amended by Clpn. Vitelli and seconded by Clpn. Fernandez to include the provisional license will end January 1, 2018 and revert back to a regular rental license. All members present voted aye. Motion carried.

B. Proposed City Code Changes, First Reading

Police Chief Shaver gave an update stating that during the last several Open Council Work Sessions (OCWS) the Council to consider several proposed City Code changes. Changes were suggested by both staff and residents alike. They are being considered to make City Code more understandable and/or to help create efficiencies when applying City Code.

Because some of these proposed changes affect permits holders and specific license types, letters have been sent to current holders of special permits (exceeding the number of animals) and alcohol licensees. The second reading and public hearing will be held at the July 24th Council meeting. A notice has been mailed to those holding affected licenses.

The Council reviewed a summary of those proposed changes, followed by a City Code Amendment, which was drafted by our City Attorney Korine Land.

Proposed City Code Changes:

- License Applications – no applications accepted unless there is a license available; if a license application was denied the background fee would not be refunded
- Liquor License – there will be no transfer of an off-sale liquor license
- Off Sale Liquor Licenses – the license will not be capped at 6 licenses
- On Sale Liquor License, Taverns – capped at 2 (from 3)
- Video Surveillance requirements, liquor and tobacco licenses - mandatory
- Off Sale Sunday hours – recent law change and language will be adopted

- Special animal permits – special permit initial fee \$200; renewal \$100; 4 chicken limit of 4 with no special permit; notification of special permit will not be required upon renewal
- Parking prohibition and mailboxes – added code language “within 10 feet of a mailbox”
- Signs, special parking restrictions, permit fee - \$200

Motion was made by Clpn. Bellows and seconded by Clpn. Iago to approve the first reading of an ordinance to amend sections 72.05(A), 90.04(B), 90.08(A) & (B), 110.03(A), 110.03(A)(7)(b), 110.05(A), 110.10, 112.03, 112.07 of the City of West St. Paul’s City Code regarding various licensing and permitting provisions. All members present voted aye. Motion carried.

D. Approve Consultant Contract for Marie/Oakdale Trail Project #18-4

Public Works and Parks Director Ross Beckwith gave an overview. At the March 13 City Council meeting a \$1.195M Transportation Alternative Program (TAP) grant from the Metropolitan Council to install a sidewalk on the north side and a trail along the south side of Marie Ave for the segment located between Robert St. and Oakdale Ave. was approved. In addition, the grant provides for a trail on the east side of Oakdale Ave. between Mendota Rd. and Wentworth Ave. The grant can only be used for construction. This federal aid project has a 2019 year of construction. Staff recently solicited Request for Qualifications (RFQ) from three consulting engineering firms for engineering design services, right of way acquisition and construction administration/inspection of this project. City and County staff evaluated the proposals and chose Kimley-Horn & Associates, Inc. as having the best team and experience to run this federal aid project.

The consulting services will include topographic surveying, preliminary engineering, project design, construction staking and contract administration/inspection. Based on the timeline required for right-of-way acquisition it is critical that engineering work begin immediately.

Staff met with Kimley-Horn and went through every task needed for federal aid design services including potential unknowns, and came up with a budget of \$250,481. The initial estimate at the time of the TAP Grant award was \$200k for these services. The City’s share is \$176,088 and Dakota County’s share is \$74,393 as they will pay 55% of all Oakdale Avenue costs.

Right-of-way costs are unknown at this time as they will vary greatly depending on the agreed upon layout. Costs for acquisition services will range from about \$90k-\$190k depending on how many parcels are actually impacted. Staff will come back with a contract for right-of-way services once preliminary engineering is complete and we have a handle on the number of acquisitions needed. The estimate at the time of the TAP Grant approval is \$650k for right-of-way which includes services and acquisition costs. All right-of-way costs along Oakdale Avenue will be split 55% County and 45% City.

Construction services (2019) for the entire project are estimated at \$116,924 of which \$82,197 would be City and \$34,727 would be County.

In total, a contract with Kimley-Horn for design and construction would be for \$367,405 of which \$258,286 would be City and \$109,119 would be County costs.

The final cost split between the City and County will be adjusted based on actual construction costs. The Finance Department is recommending utilizing LGA funds to complete engineering in 2017. Funding for 2018 and 2019 would likely include LGA funds.

Clpn. Bellows asked about utility poles in the trail area. This is right of way and construction cost is born by the utility company. Director Beckwith said staff will work with them and they may move but stay within the right of way. Those are private utilities.

Motion was made by Clpn. Pace and seconded by Clpn. Fernandez to approve a contract with Kimley-Horn for the design and construction administration of the Marie/Oakdale Sidewalk and Trail Project #18-4, for an hourly not-to-exceed contract amount of \$367,405.00 as presented. All members present voted aye. Motion carried.

C. Approve Joint Powers Agreement with Dakota County for Marie/Oakdale Trail Project #18-4

Public Works and Parks Director Ross Beckwith gave an overview. The City Council recently approved a \$1.195M Transportation Alternative Program (TAP) grant from the Metropolitan Council to install a sidewalk on the north side and a trail along the south side of Marie Ave for the segment located between Robert St. and Oakdale Ave. In addition, the grant provides for a trail on the east side of Oakdale Ave. between Mendota Rd. and Wentworth Ave. The grant can only be used for construction. This federal aid project has a 2019 year of construction.

Oakdale Ave. is a Dakota County Road and therefore this project will have a 55% County and 45% City cost participation for all engineering, right-of-way and construction costs associated. The City is responsible for 100% of all costs on Marie Avenue. Attorney Land has reviewed the joint powers agreement.

Motion was made by Clpn. Fernandez and seconded by Clpn. Vitelli to approve the Joint Powers Agreement with Dakota County for the Oakdale Avenue Trail Project #18-4 as presented. All members present voted aye. Motion carried.

E. Approve Consultant Contract for 2018 Street Improvements – City Project #18-1

Public Works and Parks Director Ross Beckwith gave an overview of next year's proposed street improvements. The project includes complete reconstruction of Bernard St. (including watermain) from Stryker Ave. to Waterloo St. (1.1 miles) and a mill/overlay of Charlton St. from Marie Ave. to Annapolis St. (2 miles). The Charlton St. mill/overlay would include spot curb repair as well as sanitary and storm sewer structure repair and possibly sanitary lining. Charlton is at the point where a mill/overlay will save it from falling into a more expensive reconstruction category. The subgrade and curb are good and the watermain does not need replacement.

Engineering staff will put the Charlton mill/overlay plans together and add them to the Bernard St. plans for one bid package in February, 2018.

Several residential streets will also be evaluated in the cost estimate of the feasibility report as potential additional mill/overlay candidates.

Staff recently solicited Request for Proposals (RFP) from three consulting engineering firms for engineering design services on the 2018 Street Improvement Project. All three firms submitted proposals. The consulting services will include topographic surveying, preparation of the feasibility study, project design, plan/specification preparation, construction staking and as-built drawings. Contract administration and construction observation will be performed by City staff.

Consulting Firm	Proposal Amount
Bolton & Menk, Inc.	\$238,865
KLJ Engineering	\$239,299
Kimley-Horn & Assoc., Inc.	\$293,200

Proposals were reviewed for project team, experience, timeline and cost. Bolton & Menk has successfully completed 4 of the last 5 street reconstruction designs for the City. Staff is recommending that Bolton & Menk, Inc. be chosen for this project.

Comments:

- Clpn. Iago is the decision to go on Bernard from Stryker east – whose decision is that? Director Beckwith said it is his decision. Bernard has a high number of I/I so geographically it's an east west corridor and it's a state aid route and it's a great candidate for total reconstruction. Clpn. Iago is concerned about ending. Director Beckwith said if he went another block it cuts from the mill and overlay. He is trying to get the most "bang for the buck".
- Clpn. Vitelli mentioned from Stryker to the west was redone a while ago. We will find out more during the feasibility study.
- How about on Smith? South of Annapolis from Dodd to Annapolis and that will be part of St. Paul's project next year. Charlton will be mill and overlay.

Motion was made by Clpn. Pace and seconded by Clpn. Fernandez to accept the bids as presented and approve a contract with Bolton & Menk, Inc. for the design of the 2018 Street Improvement project #18-1 for an hourly not-to-exceed contract amount of \$238,865.00 as presented. All members present voted aye. Motion carried.

F. Approve Consultant Contract for Lift Station 1 Forcemain Replacement Project #18-6

Public Works and Parks Director Ross Beckwith gave an overview. Lift stations 1 and 4 are currently under design by Bolton & Menk, Inc. After further discussions, it would be more logical to replace the LS 1 forcemain at the same time LS 1 is being replaced in 2018, under one

construction contract. The design of LS 4 would still be completed this year; we would simply postpone construction of LS 4 to 2019.

LS 1 forcemain is nearly a mile in length and was constructed in 1971 out of cast iron. This forcemain carries 1.3 million gallons of sewage per day. This project will include the installation of new pipe (or pipes) parallel to the existing 18-inch forcemain via trenchless construction. A cost proposal was received from Bolton & Menk to design and perform construction administration/inspection of this forcemain. Having the same firm design the lift station and forcemain will ensure the two pieces are seamlessly built to work as one unit.

The City's 2018 Capital Improvement Program (CIP) has a current project budget of \$850k for the LS 1 Forcemain Replacement Project. Bolton & Menk's contract is for \$79,700 including design and construction administration/inspection which is less than 10% of the estimated total project cost and well within what was expected in the CIP.

Comments:

- There will be 1.1 mile of forcemain trenchless – they will have to open the area for the forcemain.

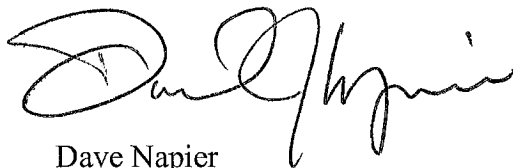
Motion was made by Clpn. Fernandez and seconded by Clpn. Bellows to approve a contract with Bolton & Menk, Inc. for engineering and construction services for the Lift Station 1 Forcemain Replacement, City Project 18-6, for an hourly not-to-exceed contract amount of \$79,700.00. All members present voted aye. Motion carried.

12. Old Business

There was no old business to discussion at this meeting.

13. Adjourn

Motion was made by Clpn. Bellows and seconded by Clpn. Fernandez to adjourn the meeting at 8:15 p.m. All members present voted aye. Motion carried.



Dave Napier
Mayor ProTem
City of West St. Paul

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-50

**RESOLUTION CONVERTING THE RENTAL LICENSE
OF 203 MORELAND AVENUE EAST
TO A PROVISIONAL LICENSE AND ADOPTING A MITIGATION PLAN**

WHEREAS, Houses LLC/Peterson and Associates Realty (the "Owner") owns a licensed single family rental property located at 203 Moreland Ave E. (the "Property"); and

WHEREAS, the Council is concerned about the Owner's ability to manage rental properties based on the volume of calls for service to the Property; and

WHEREAS, on June 27, 2017, the City provided notice to the Owner that due to excessive number of City Code violations at the Property, that pursuant to City Code Section 150.040 the Council would consider taking action against the Owner's Licenses including suspension, revocation, adding conditions or converting the Licenses to Provisional Licenses; and

WHEREAS, on July 10, 2017, the City Council held a meeting and considered the License under the ownership of Houses LLC/Peterson and Associates Realty, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the hearing, after considering all evidence presented, the Council desires to convert the License at 203 Moreland Ave E. to a Provisional License until the Property's next renewal deadline in May of 2017 and adopt an appropriate mitigation plan; and

NOW THEREFORE, BE IT RESOLVED, that the City Council converts the rental dwelling license under the ownership of Houses LLC/Peterson and Associates Realty at 203 Moreland Ave E. to Provisional License with the following mitigation plan:

- The Owner shall submit and sign a City Staff approved mitigation plan describing steps to reduce or eliminate the number of police calls and/or city code violations to the property within 15 days of Council approval of the Provisional License; (police calls and code violations may include: property maintenance violations, crime-free lease addendum violations, or other crimes)
 - In addition to the above, the Owner will maintain the Property so as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not being kept clear of snow and ice;
 - The Owner will operate the Property so as not to have any unresolved code violations as well as not to receive any Repeat Nuisance Service Call Fees;

- The Owner will cooperatively work and meet with City staff in resolving any currently unidentified issues or concerns that may be disruptive to the peace and harmony of the neighborhood resulting from activity at the Property, including actively pursuing the eviction of any/all problem tenants.
- The Owner shall meet with the Police Department to determine if a comprehensive examination of the property to identify and create preemptive and potential crime prevention measures is warranted;
- All adult persons living at the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit;
 - The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
 - The Owner shall properly enforce all lease agreements;
 - If a tenant is in violation of a lease agreement, the Owner shall resolve the issue accordingly; including, but not limited to, pursuing an unlawful detainer against the tenant(s) in violation in order to properly file a trespassing order;
 - The Owner will also contact other agencies involved should a tenant be in violation, i.e. Dakota County for Section 8 Voucher recipients;
 - Upon request, the Owner will provide the City with a current copy of any lease(s) used for the property;
 - The Owner will actively pursue the eviction of non-compliant tenants;
- Upon request, the Owner will provide the results of any rental criminal background check on his/her tenants to the police department;
- The Owner shall comply with the Rental License Ordinance, including timely obtaining all required rental licenses prior to renting units and timely submitting renewal applications of rental licenses;
- The Owner will maintain the property to the following ordinances and standards:
 - Building Code
 - International Property Maintenance Code
 - Animal Ordinance

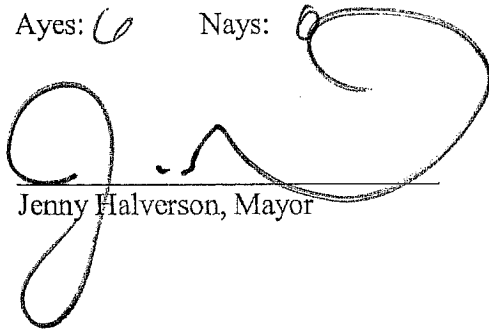
- Fire Prevention Code
 - Parked or Stored Motor Vehicles
 - Public Nuisance Ordinance
- In addition to the regular licensing fees, the Owner will pay \$500 for cover the cost of this mitigation plan. The \$500 fee will be invoiced and payable 60 days from the date of the provisional license resolution;
 - In addition to the above, the Owner shall pay any/all outstanding citations/fines/fees for the property.
- The term of the provisional license will extend until the next designated renewal date.

Adopted by the City Council of the City of West St. Paul this the day of July 10, 2017.

Ayes: 6

Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-49

**RESOLUTION CONVERTING THE RENTAL LICENSE
OF 129 BERNARD STREET EAST
TO A PROVISIONAL LICENSE AND ADOPTING A MITIGATION PLAN**

WHEREAS, Bill Bernier (the "Owner") owns a licensed single family rental property located at 129 Bernard St. E. (the "Property"); and

WHEREAS, the Council is concerned about the Owner's ability to manage rental properties based on the volume of calls for service to the Property; and

WHEREAS, on June 27, 2017, the City provided notice to the Owner that due to excessive number of City Code violations at the Property, that pursuant to City Code Section 150.040 the Council would consider taking action against the Owner's Licenses including suspension, revocation, adding conditions or converting the Licenses to Provisional Licenses; and

WHEREAS, on July 10, 2017, the City Council held a meeting and considered the License under the ownership of Bill Bernier, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the hearing, after considering all evidence presented, the Council desires to convert the License at 129 Bernard St E. to a Provisional License until the Property's next renewal deadline in April of 2017 and adopt an appropriate mitigation plan; and

NOW THEREFORE, BE IT RESOLVED, that the City Council converts the rental dwelling license under the ownership of Bill Bernier at 129 Bernard St E. to Provisional License with the following mitigation plan:

- The Owner shall submit and sign a City Staff approved mitigation plan describing steps to reduce or eliminate the number of police calls and/or city code violations to the property within 15 days of Council approval of the Provisional License; (police calls and code violations may include: property maintenance violations, crime-free lease addendum violations, or other crimes)
 - In addition to the above, the Owner will maintain the Property so as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not being kept clear of snow and ice;
 - The Owner will operate the Property so as not to have any unresolved code violations as well as not to receive any Repeat Nuisance Service Call Fees;

- The Owner will cooperatively work and meet with City staff in resolving any currently unidentified issues or concerns that may be disruptive to the peace and harmony of the neighborhood resulting from activity at the Property, including actively pursuing the eviction of any/all problem tenants.
- The Owner shall meet with the Police Department to determine if a comprehensive examination of the property to identify and create preemptive and potential crime prevention measures is warranted;
- All adult persons living at the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit;
 - The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
 - The Owner shall properly enforce all lease agreements;
 - If a tenant is in violation of a lease agreement, the Owner shall resolve the issue accordingly; including, but not limited to, pursuing an unlawful detainer against the tenant(s) in violation in order to properly file a trespassing order;
 - The Owner will also contact other agencies involved should a tenant be in violation, i.e. Dakota County for Section 8 Voucher recipients;
 - Upon request, the Owner will provide the City with a current copy of any lease(s) used for the property;
 - The Owner will actively pursue the eviction of non-compliant tenants;
- Upon request, the Owner will provide the results of any rental criminal background check on his/her tenants to the police department;
- The Owner shall comply with the Rental License Ordinance, including timely obtaining all required rental licenses prior to renting units and timely submitting renewal applications of rental licenses;
- The Owner will maintain the property to the following ordinances and standards:
 - Building Code
 - International Property Maintenance Code
 - Animal Ordinance

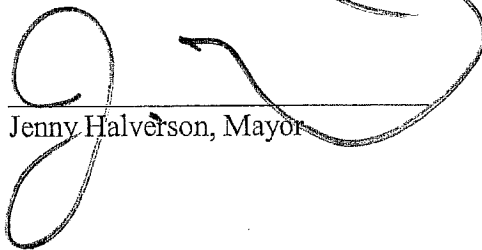
- Fire Prevention Code
 - Parked or Stored Motor Vehicles
 - Public Nuisance Ordinance
- In addition to the regular licensing fees, the Owner will pay \$500 for cover the cost of this mitigation plan. The \$500 fee will be invoiced and payable 60 days from the date of the provisional license resolution;
 - In addition to the above, the Owner shall pay any/all outstanding citations/fines/fees for the property.
- The term of the provisional license will extend until the next designated renewal date.

Adopted by the City Council of the City of West St. Paul this the day of July 10, 2017.

Ayes: 6

Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-51

**RESOLUTION CONVERTING THE RENTAL LICENSE
OF 248 ANNAPOLIS STREET EAST
TO A PROVISIONAL LICENSE AND ADOPTING A MITIGATION PLAN**

WHEREAS, Sharon and Kevin Shosten (the "Owner") owns a licensed single family rental property located at 248 Annapolis St E. (the "Property"); and

WHEREAS, the Council is concerned about the Owner's ability to manage rental properties based on the volume of calls for service to the Property; and

WHEREAS, on June 27, 2017, the City provided notice to the Owner that due to excessive number of Police Calls and City Code violations at the Property, that pursuant to City Code Section 150.040 the Council would consider taking action against the Owner's Licenses including suspension, revocation, adding conditions or converting the Licenses to Provisional Licenses; and

WHEREAS, on July 10, 2017, the City Council held a meeting and considered the License under the ownership of Sharon and Kevin Shosten, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the hearing, after considering all evidence presented, the Council desires to convert the License at 248 Annapolis St E. to a Provisional License until the Property's next renewal deadline in May of 2017 and adopt an appropriate mitigation plan; and

NOW THEREFORE, BE IT RESOLVED, that the City Council converts the rental dwelling license under the ownership of Sharon and Kevin Shosten at 248 Annapolis St E. to Provisional License with the following mitigation plan:

- The Owner shall submit and sign a City Staff approved mitigation plan describing steps to reduce or eliminate the number of police calls and/or city code violations to the property within 15 days of Council approval of the Provisional License; (police calls and code violations may include: property maintenance violations, crime-free lease addendum violations, or other crimes)
 - In addition to the above, the Owner will maintain the Property so as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not being kept clear of snow and ice;
 - The Owner will operate the Property so as not to have any unresolved code violations as well as not to receive any Repeat Nuisance Service Call Fees;

- The Owner will cooperatively work and meet with City staff in resolving any currently unidentified issues or concerns that may be disruptive to the peace and harmony of the neighborhood resulting from activity at the Property, including actively pursuing the eviction of any/all problem tenants.
- The Owner shall meet with the Police Department to determine if a comprehensive examination of the property to identify and create preemptive and potential crime prevention measures is warranted;
- All adult persons living at the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit;
 - The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
 - The Owner shall properly enforce all lease agreements;
 - If a tenant is in violation of a lease agreement, the Owner shall resolve the issue accordingly; including, but not limited to, pursuing an unlawful detainer against the tenant(s) in violation in order to properly file a trespassing order;
 - The Owner will also contact other agencies involved should a tenant be in violation, i.e. Dakota County for Section 8 Voucher recipients;
 - Upon request, the Owner will provide the City with a current copy of any lease(s) used for the property;
 - The Owner will actively pursue the eviction of non-compliant tenants;
- Upon request, the Owner will provide the results of any rental criminal background check on his/her tenants to the police department;
- The Owner shall comply with the Rental License Ordinance, including timely obtaining all required rental licenses prior to renting units and timely submitting renewal applications of rental licenses;
- The Owner will maintain the property to the following ordinances and standards:
 - Building Code
 - International Property Maintenance Code
 - Animal Ordinance

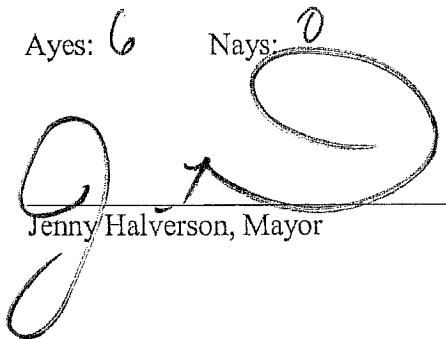
- Fire Prevention Code
 - Parked or Stored Motor Vehicles
 - Public Nuisance Ordinance
- In addition to the regular licensing fees, the Owner will pay \$500 for cover the cost of this mitigation plan. The \$500 fee will be invoiced and payable 60 days from the date of the provisional license resolution;
 - In addition to the above, the Owner shall pay any/all outstanding citations/fines/fees for the property.
- The term of the provisional license will extend until the next designated renewal date.

Adopted by the City Council, of the City of West St. Paul this the day of July 10, 2017.

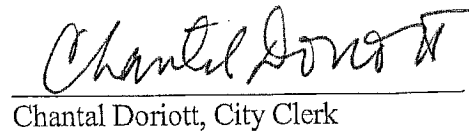
Ayes: 6

Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-52

**RESOLUTION CONVERTING THE RENTAL LICENSE
OF 1064 ROBERT STREET SOUTH
TO A PROVISIONAL LICENSE AND ADOPTING A MITIGATION PLAN**

WHEREAS, Khue Dang (the "Owner") owns a licensed single family rental property located at 1064 Robert St S. (the "Property"); and

WHEREAS, the Council is concerned about the Owner's ability to manage rental properties based on the volume of calls for service to the Property; and

WHEREAS, on June 28, 2017, the City provided notice to the Owner that due to excessive number of Police Calls and City Code violations at the Property, that pursuant to City Code Section 150.040 the Council would consider taking action against the Owner's Licenses including suspension, revocation, adding conditions or converting the Licenses to Provisional Licenses; and

WHEREAS, on July 10, 2017, the City Council held a meeting and considered the License under the ownership of Khue Dang, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the hearing, after considering all evidence presented, the Council desires to convert the License at 1064 Robert St S. to a Provisional License until the Property's next renewal deadline in April of 2017 and adopt an appropriate mitigation plan; and

NOW THEREFORE, BE IT RESOLVED, that the City Council converts the rental dwelling license under the ownership of Khue Dang at 1064 Robert St S. to Provisional License with the following mitigation plan:

- The Owner shall submit and sign a City Staff approved mitigation plan describing steps to reduce or eliminate the number of police calls and/or city code violations to the property within 15 days of Council approval of the Provisional License; (police calls and code violations may include: property maintenance violations, crime-free lease addendum violations, or other crimes)
 - In addition to the above, the Owner will maintain the Property so as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not being kept clear of snow and ice;
 - The Owner will operate the Property so as not to have any unresolved code violations as well as not to receive any Repeat Nuisance Service Call Fees;

- The Owner will cooperatively work and meet with City staff in resolving any currently unidentified issues or concerns that may be disruptive to the peace and harmony of the neighborhood resulting from activity at the Property, including actively pursuing the eviction of any/all problem tenants.
- The Owner shall meet with the Police Department to determine if a comprehensive examination of the property to identify and create preemptive and potential crime prevention measures is warranted;
- All adult persons living at the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit;
 - The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;
 - The Owner shall properly enforce all lease agreements;
 - If a tenant is in violation of a lease agreement, the Owner shall resolve the issue accordingly; including, but not limited to, pursuing an unlawful detainer against the tenant(s) in violation in order to properly file a trespassing order;
 - The Owner will also contact other agencies involved should a tenant be in violation, i.e. Dakota County for Section 8 Voucher recipients;
 - Upon request, the Owner will provide the City with a current copy of any lease(s) used for the property;
 - The Owner will actively pursue the eviction of non-compliant tenants;
- Upon request, the Owner will provide the results of any rental criminal background check on his/her tenants to the police department;
- The Owner shall comply with the Rental License Ordinance, including timely obtaining all required rental licenses prior to renting units and timely submitting renewal applications of rental licenses;
- The Owner will maintain the property to the following ordinances and standards:
 - Building Code
 - International Property Maintenance Code
 - Animal Ordinance

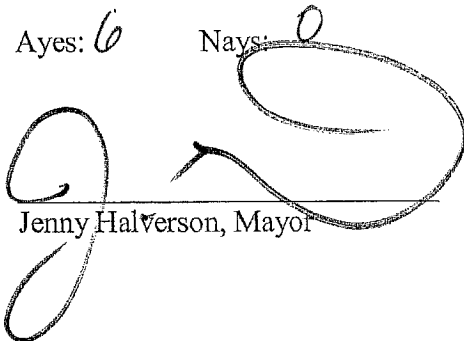
- Fire Prevention Code
 - Parked or Stored Motor Vehicles
 - Public Nuisance Ordinance
- In addition to the regular licensing fees, the Owner will pay \$500 for cover the cost of this mitigation plan. The \$500 fee will be invoiced and payable 60 days from the date of the provisional license resolution;
 - In addition to the above, the Owner shall pay any/all outstanding citations/fines/fees for the property.
- The term of the provisional license will extend until the next designated renewal date.

Adopted by the City Council of the City of West St. Paul this the day of July 10, 2017.

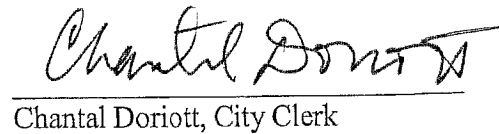
Ayes: 6

Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 17-53

**RESOLUTION CONVERTING THE RENTAL LICENSE
OF 213 ANNAPOLIS STREET WEST
TO A PROVISIONAL LICENSE AND ADOPTING A MITIGATION PLAN**

WHEREAS, New Challenges (the "Owner") owns a licensed apartment rental property located at 213 Annapolis St W. (the "Property"); and

WHEREAS, the Council is concerned about the Owner's ability to manage rental properties based on the volume of calls for service to the Property; and

WHEREAS, on May 17, 2017, the City provided notice to the Owner that due to excessive police calls and nuisance activity associated with tenants occupying rental units at the Property, that pursuant to City Code Section 150.040 the Council would consider taking action against the Owner's Licenses including suspension, revocation, adding conditions or converting the Licenses to Provisional Licenses; and

WHEREAS, on July 10, 2017, the City Council held a hearing and considered the License under the ownership of New Challenges, during which the City presented its evidence and the Owner was given an opportunity to be heard; and

WHEREAS, following the hearing, after considering all evidence presented, the Council desires to convert the License at 213 Annapolis St W. to a Provisional License until the Property's 2018 renewal deadline in January and adopt an appropriate mitigation plan; and

NOW THEREFORE, BE IT RESOLVED, that the City Council converts the rental dwelling license under the ownership of New Challenges at 213 Annapolis St W. to Provisional License with the following mitigation plan:

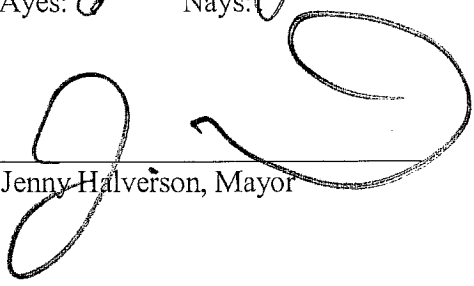
- a) The Owner will provide a plan describing steps proposed in order to reduce or eliminate the number of police calls to the property, i.e. crime-free lease addendum violations or other crimes. Said plan shall be submitted to the police department within 30 days of Council approval.
- b) The Owner will apply for future License renewals in a timely manner;
- c) All adult persons living at the Owner's units must sign a lease and any required addendum. No more than three unrelated persons may reside in any unit;
 - i. The Owner will utilize and enforce a Crime-Free Lease addendum. All residents must sign this addendum including an acknowledgment that a substantial violation of this addendum is grounds for eviction;

- ii. Upon request, the Owner will provide the City with a current copy of any lease used for the Properties;
 - iii. The Owner will aggressively enforce leases and subsequent addendums requirements, using trespass notices, and evictions as tools for significant and/or persistent violators;
- d) Upon request, the Owner will provide the results of any rental criminal background check on his tenants to the police department;
- e) The Owner will have no unresolved code violations;
 - i. The Owner will operate the property as to not receive any Repeat Nuisance Service Call Fees;
 - ii. In addition to the above, the Owner will maintain the property as not to receive compliance letters for noxious matter, long grass and weeds, garbage, rubbish or junk, and sidewalks not kept clear of snow and ice;
- f) The Owner will ensure that tenants, visitors, guests and other individuals that are associated with or known to be involved in criminal activities are not allowed on the premises and if they return a trespass notice will be filed with the police department and enforced by the Owner;
- h) The Owner will maintain the property to the following Maintenance Standards:
 - Building Code
 - International Property Maintenance Code
 - Animal Ordinance
 - Fire Prevention Code
 - Repeat Nuisance Service Calls
 - Parked or Stored Motor Vehicles
 - Public Nuisance Ordinance
- i) In addition to the regular license fee, the Owner will pay an additional \$500 for cover the cost of this mitigation plan. The \$500 fee will be invoiced and payable 30 days from the date of this resolution;
- j) The Owner will cooperatively work and meet with City staff in resolving any unidentified issue or concern that may be disruptive to the peace and harmony of the neighborhood.

Adopted by the City Council of the City of West St. Paul this the day of July 10, 2017.

Ayes: 6 Nays: 0

Attest:



Jenny Halverson, Mayor



Chantal Doriott, City Clerk

**ORDINANCE NO. 17-08
CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING SECTION 50.08 OF THE
WEST ST. PAUL CITY CODE REGARDING DISCHARGE OF
PROHIBITED CLEAR WATER DRAINAGE AND SUMP PUMPS**

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Section 50.08 relating to discharge of prohibited clear water drainage and sump pumps is hereby amended as follows:

§ 50.08 DISCHARGE OF PROHIBITED CLEAR WATER DRAINAGE; SUMP PUMPS.

- (A) *Definition.* **CLEAR WATER DRAINAGE**, for the purpose of this section, is defined as stormwater, natural precipitation, ground water or flow from roof runoff, surface runoff, subsurface drainage, down spouts, eave troughs, rainspouts, yard drains, sump pumps, foundation drains, yard fountains, ponds, cistern overflows or water discharged from any nonresidential air conditioning unit or system.
- (B) *Ownership.* The property owner shall own and be responsible for the maintenance of the sanitary sewer service lateral between the city's sanitary sewer main within the street and the building being served, including the connection to the main.
- (C) *Prohibited discharges.* No person shall directly or indirectly discharge or permit to be discharged any clear water drainage into the city's sanitary sewer system.
- (D) *Prohibited connections.* No person shall make or maintain a connection between any conductor used to carry clear water drainage and the city's sanitary sewer system.
- (E) *Sump pumps.* Dwellings and other buildings and structures that require a sump pump system to discharge excess water because of the infiltration of water into basements, crawl spaces and the like shall obtain a permit and have a permanently installed discharge line that complies with the following:
- (1) It shall not any time discharge water into the city's sanitary sewer system;
 - (2) It shall provide for year-round discharge capability to either the outside of the dwelling, building or structure, to the city's storm sewer system;
 - (3) It shall consist of a rigid discharge line inside the dwelling or building, without any connections for altering the path of discharge, and if connected to the city's storm sewer line must include a check valve; and
 - (4) Must be directed toward the front or rear yard so as not to trespass or discharge on to adjoining properties.

(F) *Inspections.* The city shall conduct inspections of single-family owner-occupied properties to ensure compliance with this section. Failure to have an inspection as required in this section is a violation of the city code.

(1) Except as set forth in division (F)(3), inspections are required when one of the following occurs:

- (a) The property is offered for sale or conveyance by deed or contract for deed, unless the certificate of compliance is still valid pursuant to division (G);
- (b) The city orders a street improvement project and the property is adjacent to a street in the project area; or
- (c) For the purpose of safeguarding the health and safety of the general public or occupants of a building to determine compliance with the code.

(2) Inspections shall be conducted pursuant to § 10.17. In addition to the inspection requirements in § 10.17, owners shall be required to comply with the following:

- (a) Provide sufficient access to the sanitary sewer service lateral within the dwelling, building or other structure, including removal of any obstacles so that the sanitary sewer service lateral is completely accessible to the inspector; and
- (b) Clear the sanitary sewer service lateral of any root intrusions or any other intrusions to allow clear televising of the sanitary sewer service lateral from the dwelling, building or other structure to its connection with the city's sanitary sewer main.

(3) Inspections shall not be required under the following circumstances:

- (a) It is a newly constructed dwelling and title to the property is transferred to the first owner;
- (b) It is the sale or other transfer of title of any property with a dwelling that is being conveyed to a public body;
- (c) It is the sale or transfer of title of any property that contains a dwelling that will be demolished; or
- (d) It is the sale or conveyance of any property that contains a dwelling by a sheriff or other public or court officer in the performance of their official duties. This exception does not apply to the sale by a person appointed by a probate court.

(4) The city shall complete its inspection reports within ten business days from the date of the inspection and immediately send the report to the property owner. The reports shall indicate all deficiencies and violations discovered in sufficient detail to identify the violations.

(G) *Certificates of compliance.* If a property is in compliance with this section, the city shall issue a certificate of compliance. No new inspections or certificates for single-family owner occupied

properties shall be required until one of the events in division (F)(1) occurs. Certificates of compliance are valid for a period of ten years.

(H) *Residential rental properties.* For residential rental properties, the property owner is required to obtain an independent inspection and submit an inspection report to the city upon submission of a new or renewal rental license application. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If there are any violations discovered, corrections must be made pursuant to division (J) below. The city shall conduct a reinspection to verify compliance. Upon verification that the corrections have been made, the city shall issue a certificate of compliance.

(I) *Commercial, industrial and HOA properties.* For commercial and industrial properties and condominium or townhome residential properties with a homeowner's association ("HOA properties"), property owners are required to obtain an independent inspection and submit an inspection report to the city. The inspection report shall indicate that the property is free from prohibited discharges and prohibited connections, including illegal sump pumps. If there are any violations discovered corrections must be made pursuant to division (J) below. The city shall conduct a reinspection to verify compliance. Upon verification that the corrections have been made, the city shall issue a certificate of compliance.

(J) *Violations.*

(1) *Violations, generally.* Except as provided in division (J)(2) for owner-occupied single-family service lateral violations discovered during a time of sale inspection, when the inspector determines there has been a violation of any provision of this division, the inspector will give notice of the violation to the owner and occupant in writing and allow time for compliance as follows:

- (a) For residential rental, commercial, industrial and HOA properties, service lateral violations that are discovered between July 1, 2016 and July 1, 2018, shall be corrected on or before July 1, 2018.
- (b) For residential rental, commercial, industrial and HOA properties, service lateral violations that are discovered after July 1, 2018, shall be corrected within 120 days of the discovery of the violation;
- (c) For all sump pump violations, regardless of the classification of the property, the violation shall be corrected within 30 days.

(2) *Violations discovered at time of sale.*

- (a) *Seller responsibilities.* When the inspector determines that there has been a violation of any provision of this section prior to the sale, the seller is responsible for correcting the violations prior to the sale, unless the buyer has assumed such responsibility as provided in division (b) below. Failure of a seller to disclose to a buyer that there are uncorrected violations of this section is a violation of the city code. When correcting the violations, all necessary permits shall be obtained from the city. Upon completion of the corrections, the city shall reinspect the property to verify compliance.

(b) *Buyer responsibilities.* If a seller cannot correct the violations prior to the sale the buyer must assume the responsibility for correcting the violations. The buyer shall sign a written acknowledgement from the city that includes:

1. The buyer's acceptance and assumption of responsibility for correcting the violations within one year after closing on the property;
2. That the buyer understands that a reinspection is required to verify the corrections have been completed;
3. That the buyer holds the city harmless from liabilities and claims if the buyer occupies the dwelling prior to corrections of the violations; and
4. That failure to correct violations or deficiencies is a violation of the city code and subjects the buyer to penalties as stated in divisions (K), (M), and (N).

(3) *Violations and corrections under the roadway.* When the inspector determines that there has been a violation of any provision of this section and the violations are under the roadway, the property owner will perform the repairs, except as stated in division (4) below. However, a property owner shall not excavate in the roadway without permission from the City Engineer.

(4) *Non-excavation violations and corrections within two feet from the main.* When the property owner is correcting violations of the sanitary sewer service lateral between the street and the building and the corrections only involve lining of the sanitary sewer service lateral, the owner shall stop all repairs at a distance of two feet from the city's sanitary sewer main. The city shall assume responsibility for any lining within two feet from the main, which will be done in conjunction with scheduled street repair work.

(K) *Penalty.*

(1) A monthly penalty of \$50 for owner-occupied single-family properties; a monthly penalty of \$300 for residential rental, commercial, industrial and HOA shall be added to each sewer and water bill if:

- (a) An owner fails to complete an inspection pursuant to division (F), (H) and (I);
- (b) An owner whose property was found in violation of this section did not make the necessary changes and furnish proof of those changes to the city within the time frames required by this section;
- (c) An owner fails to allow an inspection or reinspection to verify compliance; or
- (d) There has been a reconnection of a previously disconnected prohibited discharge. If a property is certified in compliance with this section and the same owner is later found to have reconnected to the city's sanitary sewer system, the property owner will be subject to the surcharge for all months between the last two inspections.

(2) The penalty shall be added for every month during which the property is not in compliance.

(L) *Temporary waiver.* The City Engineer may allow or require a temporary waiver from the provisions of this section when strict enforcement would cause a threat of damage to other property, the environment or public safety because of circumstances unique to the individual property. A written request for a temporary waiver must be first submitted to the City Engineer specifying the reasons for the request.

(M) *City Engineer.* The City Engineer may terminate the waiver upon a failure to comply with any conditions imposed in the temporary waiver or may take appropriate legal action to enforce those conditions. After expiration or termination of a temporary waiver, the property owner must comply with the provisions of this section.

(N) *Public nuisance.* An owner or occupant who fails to have an inspection, who has done work that does not comply with this section, who reconnects to a previously disconnected prohibited discharge, who fails to pay the penalty or who has failed to do the work required by this section within the specified time limit, will be deemed to have created a public nuisance subject to abatement and assessment, as provided in Chapter 94.

(O) *Remedies.* The remedies provided in this section do not limit the right of the city to pursue any other available legal remedy.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

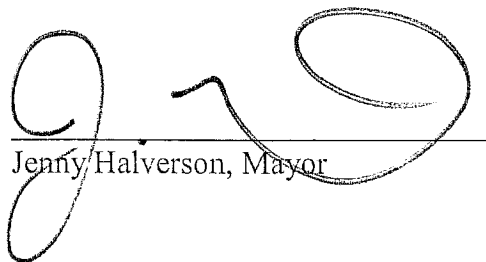
The ordinance amendment clarifies when service lateral violations and sump pump violations must be corrected and removes language that is no longer relevant since the ordinance was first adopted.

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted and passed this 10th day of July, 2017.

Ayes: 6

Nays: 0



Jenny Halverson, Mayor

Attest:



Chantal Doriott, City Clerk

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. 17-09

**AN ORDINANCE AMENDING SECTION 153.004, 153.050, 153.142, 153.189 OF THE
WEST ST. PAUL CITY CODE REGARDING
FARMERS MARKETS AND OUTDOOR SEASONAL SALES**

The City Council of West St. Paul does ordain:

SECTION 1. West St. Paul City Code Section 153.004 relating to Definitions is hereby amended as follows:

153.004 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

FARMERS MARKET. A physical retail market featuring foods sold directly by farmers to consumers. Farmers markets typically consist of outdoor booths, tables or stands, where farmers sell fruits, vegetables, meats, and sometimes prepared foods and beverages.

SECTION 2. West St. Paul City Code Section 153.0050 relating to Farmers Markets is hereby amended as follows:

153.050 PERMITTED USES.

Within any "R-1A" One-Family Residential District, no structure or land shall be used except for one or more of the following uses

(A) One-family detached dwellings;

(B) Public parks and playgrounds;

(C) Public and parochial schools with the following conditions:

(1) No school building shall be located within 50 feet of any lot line of an abutting lot in an R District; and

(2) Where a school has an open play area abutting a street, a fence shall be erected 15 feet or more from the street right-of-way.

(D) Churches, including those related structures located on the same site which are an integral part of the church property, such as convents or homes for persons related to a religious function on the same site with the following conditions:

- (1) No church building shall be located within 50 feet of any lot line of an abutting lot in an R District; and
- (2) No more than ten persons shall reside on the site.
- (E) Municipal buildings and structures including storage of maintenance equipment and trucks. No building shall be located within 50 feet of any lot line of an abutting lot in an R District;
- (F) A state licensed residential care facility or a housing with services establishment registered under Minn. Stat. Ch. 144D serving six or fewer persons, a licensed day care center serving 12 or fewer persons, or a group family day care facility licensed under Minn. Rules 9502.0315 to 9502.0445, to serve 14 or fewer children;
- (G) Radio and television antennas, subject to the provisions in § 153.395;
- (H) Satellite dish antennas less than one meter (39 inches) in diameter;
- (I) Those uses as permitted and regulated in § 153.006; and/or
- (J) Farmers market provided such products are sold directly to consumers by local growers and producers.

SECTION 3. West St. Paul City Code Section 153.142 relating to Interim Uses in the B-1 is hereby amended as follows:

153.142 INTERIM USES.

Within the B-1 Limited Business District, the following uses shall be interim uses: Farmers market provided such products are sold directly to consumers by local growers and producers.

SECTION 4. West St. Paul City Code Section 153.172 and 153.189 relating to Interim Uses in the B-3 and B-4 is hereby amended as follows:

153.172 INTERIM USES.

Within the B-3 General Business District, the following uses shall be interim uses: any interim use regulated in the B-2 District, § 153.157, provided that it meets the following conditions.

- (A) The sales area shall be setback at least 300 feet from the Robert Street right-of-way and 150 feet back from any other street.
- (B) The sales area shall not reduce the required supply of off street parking below the required number of spaces for the principal building and for the interim use.
- (C) Off-street parking required for the sales area shall be one space per 150 square feet of sales area.

153.189 INTERIM USES.

Within the B-4 Shopping Center District, the following uses shall be interim uses:

- (A) Any interim use regulated in the B-3 District, § 153.172, provided that it meets the conditions contained therein;
- (B) Outdoor sale of fireworks, provided that it meets the conditions outlined in § 153.172 and National Fire Protection Association standards, as required by the Fire Marshal;
- (C) Indoor sale of fireworks not in conjunction with an existing use, provided that it meets National Fire Protection Association standards, as required by the Fire Marshal;
- (D) Food stands, provided that they meet the conditions outlined in § 153.172. This section does not apply to food stands that are part of city sponsored events or events lasting three days or less; and
- (E) Outdoor display of seasonal merchandise, provided that it meets the conditions as outlined in § 153.172 and that the applicant sells the items displayed within its own store located on the property.

SECTION 5. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

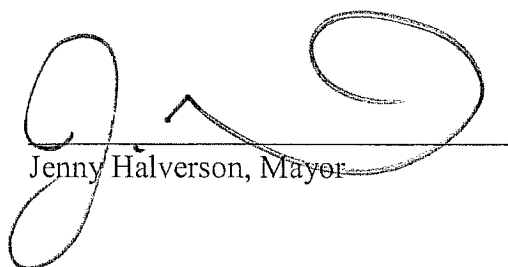
The ordinance amendment amends the Interim Use Permit language by adding a definition to the zoning ordinance for Farmers Markets, adding language requiring that Farmer Markets must sell locally grown products, and by further clarifying that Interim Use Permit for Outdoor Display of Seasonal Merchandise may only sell items sold within its own store located on the property.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed this 10th day of July, 2017.

Ayes: 6

Nays: 0



Jenny Halverson, Mayor

Attest:



Chantal Doriott, City Clerk